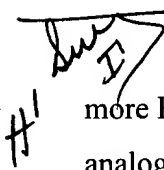


#1  11. (Thrice Amended) The method of claim 6, further comprising determining whether one or more FK506 analogs of interest has the ability to inhibit rotamase activity in order to select an FK506 analog that does not inhibit rotamase activity.

REMARKS

Claim 19 is canceled herein. Claim 11 is amended herein as requested in the Office action dated March 25, 2003. This amendment is submitted to place the claims in condition for allowance. No new matter is added.

Restriction Requirement

Claim 19 is canceled herein, solely to advance the prosecution of the subject application. Applicants intend to file a continuation application directed to the non-elected subject matter.

Double Patenting

Claims 6-7, 15 and 20 were rejected under the judicially created doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-17 of U.S. Patent No. 6,210,974. Applicants respectfully disagree with the rejection, and request reconsideration.

The subject application (hereafter referred to as "the '887 application") has a priority date of August 13, 1997, while U.S. Patent No. 6,210,974 (hereafter referred to as "the '974 patent") has a priority date of October 24, 1997. The '887 application is, therefore, the first filed application, although it will issue after the '974 patent.

The standard that is applied to determining obviousness-type double patenting is reviewed in M.P.E.P. § 804. In a situation like the present case, in which an obviousness type double patenting rejection is asserted against an earlier filed case in view of a later filed case, the claimed inventions must be found to be obvious in view of each other ("two-way obviousness") when

(a) the applicants could not have filed the claims in a single application; and